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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

RAJGURU, UMAKANT K

ART UNIT PAPER NUMBER

1711

DATE MAILED: 02/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/478,131

Applicant(s)

NARDOZA ET AL.

Examiner

Umakant K. Rajguru

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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1. Claims 1-19 are being examined

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 10 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 10 & 12 are indefinite because it is not clear what "substantially" means.

Does it imply 70%, 90% or 99%?

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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5. Claims 1,2,5, 6, and 8-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anton et al (US 4837077) in view of Cottrell et al (US 5532350) and Brander (US 6376034).

Anton describes a hydroexpansible composit material, which includes a solid flat support having a coating containing a hydroexpansible polymer powder, hydrosoluble binder and a surfactant (abstract). Hydroexpansible polymer reads on instantly claimed super absorbent polymer (col. 2, lines 32-40). Water Lock is one such polymer (col. 2, lines 54-56). Luvisklo is another polymer, which reads on (instantly claimed) binder (col. 3, line 1).

Anton is silent about gum & gelatin (of instant claim 1)

WR Cottrell describes crosslinked polysaccharides useful as absorbent materials.

Brander discloses absorbent material, which is made of a composition including a non-crosslinked gel-forming polymer, clay and a trivalent cation (abstract). A suitable polymer is gelatin (col. 4, lines 26).

Therefore it would have been obvious to include in the composite material of Anton, (a) gum of Cottrell to enhance absorbency and (b) gelatin of Brander to enhance gel strength together with absorbency

6. Claims 3 & 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anton et al (US 4837077) in view of Cottrell et al (US 5532350) and Brander (US 6376034) as applied to claim 1 above, and further in view of Tucker (US 5647300) or Chmielewski (US 6545195).

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Anton together with Cottrell and Brander fails to mention colorant & many reflective particles of instant claims 3 & 4.

Tucker discloses absorbent such as animal litter in which a colorant is added as an additive (col. 28 line 36).

Chmielewski discloses absorbent article in which a colorant is added as an additive (col. 16, line 2).

Hence it would have been obvious to add a colorant to the material of Anton to impart a specific color for better appearance, and identification. Such a colorant may be reflective in nature like metallic particles.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anton et al (US 4837077) in view of Cottrell et al (US 5532350) and Brander (US 6376034) as applied to claim 1 above, and further in view of Goss (US 4622920)

Anton together with Cottrell and Brander fails to mention preservative (of instant claim 7).

Goss discloses an animal litter composition, which includes paraben (abstract; col. 2, lines, 14-53).

It would have been obvious to add paraben of Goss to the material of Anton to preserve the quality of material.

Instant claims 9, 10, 11, 12 & 13 encompass certain limitations that are not expressly disclosed by cited prior art. It is within skill of an artisan to maintain a neutral to slightly alkaline pH to avoid problems associated with too acidic or too alkaline composition. It is also possible to maintain the super absorbent polymer particles of


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desired size as claimed in instant claim 12 & 13. Prior art composition comprises ingredients in amounts that are similar to or overlap those of instant claims 16-19.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to U. K. Rajguru whose telephone number is 703-308-3224. The examiner can normally be reached on Monday-Friday from 9:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on 703-308-2462. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.


U.K. Rajguru/af
January 6, 2004


James J. Seidleck
Supervisory Patent Examiner
Technology Center 1711